IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

W.P.No.5741 of 2001

Between:
Ch.Venkataramana

..Petitioner

and
The Secretary, R.T.A., Kakinada, E.G. district.

..Respondent

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.5741 of 2001

Oral Order:

By means of filing this writ petition petitioner seeks a Mandamus directing the respondent to permit the petitioner to replace his vehicle TML 5994 in the place of old vehicle TN01/N-218 under the pucca permit No.12/E/1997 on the town service route from APP Mills to Dwarapudi Market by declaring that the order the respondent vide his Memo No.2092/A1/2001 dated 25-01-2001 as arbitrary and illegal.

By the memo the registered owner of TML 5994 was advised to pay C.F. from 01-09-199 to 31-01-2001 for a period of 41 months @ Rs.500/- per month in respect of bus TN.01.N.218 for consideration of his application for replacement.

Permit granted to the petitioner is valid upto 18-04-2001and thereafter, whether it was renewed or not is not forthcoming.

In a counter filed by the respondents it is stated that they have calculated compound fee for stoppage of the bus under permit and issued a memo to pay such C.F. to consider the replacement. The petitioner has not filed any temporary permit application from 01-04-1999 to 21-03-2001. the vehicle ADH/2097 was transferred from him to Kum. Lakshmi Manjusri on 08-04-1999. The petitioner obtained temporary permits from 22-03-2001 to 31-03-2001 and again from 01-04-2001 to 30-06-2001 in respect of another bus TML 5994. Hence, he is liable to pay compounding fee as per Rule 217(h) of A.P. Motor

Vehicle Rules, 1989 for 23 months @ Rs.500/-. Before replacement is allowed he has to clear off all the arrears on the vehicle shown in the permit. The same was intimated to him for payment of compounding fee to consider his application.

In view of the fact that temporary permit granted to the petitioner was already expired on 30-06-2001 and in the absence of any renewal, no adjudication is called for.

The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY, J.

04-07-2007

Murthy